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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/514,911 02/28/00 BIENVILLE

F 1563

EXAMINER

MM91/0731

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GONZALEZ, J

ART UNIT

PAPER NUMBER

2834

DATE MAILED:

07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/514,911

Applicant(s)

BIENVILLE, FRANCIS E.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Emergency battery charging system having a bicycle, batteries, a charger, an over charge protection circuit, a fixed wheel with magnets and a rotatable wheel with magnets.

### *Drawings*

- eg 4, L 13  
eg 5, L 27
- X 2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "56" has been used to designate both magnet and cradle; character "12" has been used to designate both seat and wheel; character "48" has been used to designate both alignment member and rear frame; character "27" has been used to designate both rear derailleur and bearing; character "54" has been used to designate both wheel and housing. Correction is required.

- eg 4, L 17
- X 3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both intermediate derailleur and rear derailleur. Correction is required.

- ✓ 4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "38" and "12" have both been used to designate seat; characters "29" and "26" have both been used to designate rear derailleur. Correction is required.

- X 5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 16, 57, 54D, 37 and 29. Correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Applicant discloses in claim 2 that the invention includes means for preventing a back flow to the batteries. How is this done?

X { In claim 4(a), what is considered the rear derailleur mounted on the intermediate hub and the front wheel? How can the same part be located on the rear, middle and front part of the invention? Is the intermediate derailleur the same part as the rear derailleur?

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miekka in view of Cheng-Yon and Olsen.

Miekka discloses coupling a dynamo to the intermediate hub of a bicycle, said dynamo having a plurality of magnets to induced electricity (see figure 1), and a battery 18.

Moreover, the bicycle comprises a seat, a pedal set and a rear derailleur with a hub.

However, Miekka does not disclose a fixed wheel with magnets.

On the other hand, Cheng-Yon discloses for the purpose of enhancing power dynamics in a bicycle dynamo that a fixed wheel has a plurality of magnets and the rotatable wheel also has a plurality of magnets which upon rotation electricity can be induced by the magnets (see figure 2).

However, Miekka and Cheng-Yon do not disclose the use of a charger and a protection circuit.

On the other hand, Olsen discloses for the purpose of enabling a high output power over long period of times that the bicycle uses a clutch, an overprotection circuit and switches (see figure 6) and a charger 610.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a bicycle comprising a dynamo and batteries as disclosed by Miekka and to use the wheels comprising magnets for the purpose of enhancing power dynamics in a bicycle dynamo as disclosed by Cheng-Yon and to use an overprotection circuit and a charger for the purpose of enabling a high output power over long period of times as disclosed by Olsen.

10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miekka, Cheng-Yon and Olsen in view of Yang.

Miekka discloses coupling a dynamo to the intermediate hub of a bicycle, said dynamo having a plurality of magnets to induced electricity (see figure 1), and a battery 18.

Moreover, the bicycle comprises a seat, a pedal set and a rear derailleur with a hub.

However, Miekka does not disclose a fixed wheel with magnets.

On the other hand, Cheng-Yon discloses for the purpose of enhancing power dynamics in a bicycle dynamo that a fixed wheel has a plurality of magnets and the rotatable wheel also has a plurality of magnets which upon rotation electricity can be induced by the magnets (see figure 2).

However, Miekka and Cheng-Yon do not disclose the use of a charger and a protection circuit.

On the other hand, Olsen discloses for the purpose of enabling a high output power over long period of times that the bicycle uses a clutch, an overprotection circuit and switches (see figure 6) and a charger 610.

However, neither Miekka, Cheng-Yun nor Olson disclose a front support for the bicycle.

On the other hand, Yang discloses for the purpose of producing a multipole AC induction motor in order to produce electricity that the bicycle has means for support having a pair of spaced alignment members on each side of the front wheel (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a bicycle comprising a dynamo and batteries as disclosed by Miekka and to use the wheels comprising magnets for the purpose of enhancing power dynamics in a bicycle dynamo as disclosed by Cheng-Yon and to use an overprotection circuit and a charger for the purpose of enabling a high output power over long period of times as disclosed by Olsen and to keep the bicycle steady in one place for the purpose of producing a multipole AC induction motor in order to produce electricity as disclosed by Yang.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

July 25, 2001

  
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